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**MAR 30 2009**

**OFFICE OF PETITIONS**

In re Patent No. 6,889,158 :  
Issue Date: 3 May, 2005 :  
Application No. 10/611,613 : **DECISION**  
Filed: 30 June, 2003 :  
Attorney Docket No. 13768.410 :

This is a decision on the petition filed on 17 February, 2009, requesting issuance of duplicate Letters Patent for the above-identified patent/application, and considered pursuant to 37 C.F.R. §1.182.

**NOTE:** *The address on the petition is different than that of record.*

*If Petitioner desires to receive future correspondence regarding this application, the appropriate Notice must be submitted.*

*A courtesy copy of this decision will be mailed to Petitioner.*

*However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.*

The petition is **GRANTED**.

**BACKGROUND**

Petitioner Danielle Johnston Holmes (Reg. No 39,720) has made demand upon the Office to issue duplicate Letters Patent in the instant matter.

Petitioner has declared that the letters patent apparently were lost.

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Petitioner has demonstrated that the petition fee has been paid as required for the petition under 37 C.F.R. §1.182.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>1</sup>

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

*The Publishing Division is directed to issue duplicate Letters Patent.*

A copy of this decision is being forwarded to Publishing Division for issuance of duplicate Letters Patent.

The file is being released to the IFW Repository.

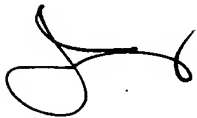
Any questions regarding the issuance of the duplicate Letters Patent should be directed to Ms. Niomi Farmer, Office of Data Management, Office: 703-308-9250x119, Fax: 571-270-9753.

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<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

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Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>2</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

cc: Ms. Niomi Farmer, ST/8C23 FAX: (571) 270-9753

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<sup>2</sup> The regulations at 37.C.F.R. §1.2 provide:  
**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.